set-aside program is unconstitutional. Plain and simple, this is an affirmative action program for contractors. And, the Administration's attempt to comply with the court's decision by tinkering with DOT regulations does not meet the constitutional litmus test. Therefore, it is now incumbent on the Congress to bring ISTEA into compliance with our Constitution.

It is one thing for the Federal Government to carry out unfair, quota-based programs, which I oppose, but it is even more egregious that the Federal Government mandate that our states carry out such programs. This is a time-consuming and costly burden on some states, like New Hampshire, that simply do not have a significant racial minority population. It forces the state into situations where it is either awarding contracts to less qualified contractors or jumping through bureaucratic hoops trying to prove that it cannot meet the 10 percent DBE goal. Both of which are not good public policy.

By continuing this and the other 150-plus preferential treatment programs, we are encouraging businesses to tie their business strategy to unconstitutional programs that will eventually be eliminated by the courts. This is sending the wrong message to minority start-up businesses.

A better way to encourage minority entrepreneurs is with a small business out-reach program as outlined in the McConnell amendment. This alternative program would still provide assistance to smaller, minority-owned businesses without the heavy-handed mandate on our states.

Most Americans do not support preferential treatment programs. We now have an opportunity to end one of the many race and gender-based programs in our federal contracting system. I urge my colleagues to uphold the principles of our Constitution and support the McConnell amendment.

AMENDMENT NO. 1687

Mr. INHOFE. Mr. President, I rise today to discuss an amendment that I offered yesterday, amendment number 1687, to S. 1173, the ISTEA Reauthorization Act. This amendment was agreed to by voice vote. This amendment was cosponsored by Senator BREAUX, Senator BYRD and Senator SESSIONS.

The purpose of my amendment was to provide the necessary flexibility and funding to the States that was promised by President Clinton and EPA Administrator Browner for the new National Ambient Air Quality Standards for ozone and particulate matter. These standards were promulgated last July. My amendment in no way ratifies or affirms the underlying standards. These standards are the subject of various lawsuits and pending legislation which seeks to overturn the standards in part or in whole. This amendment simply relieves the uncertainty for the States during the implementation phase over the next few years.

The President and Administrator Browner promised a flexible implementation time frame for the standards which was not based in the Clean Air Act. This amendment ensures that the implementation of the standards would not occur at a faster rate than the President promised.

The first section of the amendment, Section 2(a) provides that the EPA will fund all of the costs for the PM monitoring network with new program dollars and just doesn't take money from other State grants. The States claim that the EPA has reprogrammed fiscal year 1998 dollars from existing State Grant authorities, the amendment requires that these funds be repaid to the States. This provides the assurance to the States that this will not be another unfunded mandate. It also restores the grant funds to the States that the EPA diverted to the monitoring program in 1998.

Section 2(b) ensures that the national network (designated in section 2(a)) which consists of the PM2.5 monitors necessary to implement the national ambient air quality standards will be established by December 31, 1999. EPA will have received the funding from Congress and they will be responsible for ensuring that the network will be in place. If they fail, they will be subject to legal action and must explain the cause of any delay.

Section 2(c) requires that the PM monitoring network be in place and that the States have three years of monitoring data before the Governors are required to submit their recommendations to the EPA. Under the Clean Air Act the Governors must examine the data and notify EPA when an area in their State violates the standards. This will stop the possibility of the EPA being sued by a citizens group demanding that an area be classified before the data has been collected. The Clean Air Act does not require the monitoring data to be collected first. But the President and the EPA promised they would wait for the three years of data. This provision provides the legal authority to wait for the data.

Section 2(d) follows the Clean Air Act and the EPA's implementation schedule, it is the EPA's official review of the Governor's recommendations. It ensures that the Governor's data and information is correct and allows EPA the time to publish the decision in the Federal Register.

Section 2(e) addresses the concerns of the farmers who believe that they will be targeted for PM 2.5 even though their emissions are larger than 2.5. The study will examine the monitoring devices to ensure that they do not capture larger particles. This section is endorsed by the American Farm Bureau who wrote, ''The agriculture community continues to be concerned over the accuracy of EPA's fine particulate measurements, especially in regard to agriculture emissions. Testimony has been given in both the Senate and House Agriculture Committees indicating concern that agriculture would be 'misregulated' due to inaccurate fine particulate measurements. This amendment will allow a comparison of EPA's approved method used to measure fine particulate and the new monitors to find if both adequately eliminate those particles that are larger than 2.5 micrograms in diameter.''

Section 3(a) follows the EPA's and the President's timeline for allowing the Governors two years to review the current ozone programs before they have to designate nonattainment areas. It allows the Governors to review the other ozone programs such as the new regional ozone transport program before they make new decisions about the new ozone standard.

Section 3(b) follows the Clean Air Act and the EPA's implementation schedule, it is the EPA's official review of the Governor's recommendations. It ensures that the Governor's data and information is correct and allows EPA the time to publish the decision in the Federal Register.

Finally, Section 4 protects the pending lawsuits so that others can raise the issues of Unfunded Mandates, Small Business Review, the validity of the standards, and other issues without having this amendment impede their legal rights. It affirmatively states that this amendment is not a ratification of the new standards and any and all legal challenges to the standards are still valid and real.

The PRESIDING OFFICER. Who yields time?

Mr. CHAFEE. Mr. President, we have completed on this side.

MORNING BUSINESS

Mr. CHAFEE. Mr. President, I ask unanimous consent that there now be a period for morning business with Senators permitted to speak therein for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Wednesday, March 4, 1998, the federal debt stood at $5,529,409,747,928.18 (Five trillion, five hundred twenty-nine billion, four hundred nine million, seven hundred forty-seven thousand, nine hundred twenty-eight dollars and eighteen cents).

One year ago, March 4, 1997, the federal debt stood at $5,363,583,000,000 (Five trillion, three hundred sixty-three billion, five hundred eighty-three million).

Five years ago, March 4, 1993, the federal debt stood at $4,199,533,000,000 (Four trillion, one hundred ninety-nine billion, five hundred thirty-three million).

Ten years ago, March 4, 1988, the federal debt stood at $2,491,607,000,000 (Two trillion, four hundred ninety-one billion, six hundred seven million).

Fifteen years ago, March 4, 1983, the federal debt stood at $1,219,934,000,000